

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KHALAIRE ALLAH,

Plaintiff,

-against-

DAVID S. DINELLO, et al.,

Defendants.

No. 23-CV-3286 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

The Court is in receipt of Plaintiffs' letter regarding the motions to dismiss in the Tranche I cases, (dkt. no. 75). As discussed at the conference held before the Court on November 16, 2023, the Court will deny, without prejudice to re-file, the Defendants' motions to dismiss that are based only on arguments related to Plaintiffs' purported failure to comply with the applicable statute of limitations. Accordingly, the Clerk of the Court is directed to close docket entry numbers 54 and 56 in the above-captioned case. The Clerk of the Court shall also docket this order in each of the following cases and close the docket numbers listed below.

- Alston v. Mueller, 23-cv-3290: close docket number 29.
- Feder v. Dinello, 23-cv-3392: close docket numbers 32, 35, and 38.
- Frateschi v. Hammer, 23-cv-3394: close docket number 28.
- Jacks v. Mueller, 23-cv-3288.
- Jacobs v. Mueller, 23-cv-3606: close docket number 29.

- Johnson v. Dinello, 23-cv-3553: close docket numbers 31 and 33.
- Locenitt v. Dinello, 23-cv-3399: close docket number 62.
- Marcial v. Mueller, 23-cv-3455: close docket numbers 30 and 33.
- Ortiz v. Dinello, 23-cv-3547: close docket number 38.
- Perez v. Dinello, 23-cv-3300: close docket number 45.
- Reyes v. Dinello, 23-cv-3315: close docket number 23.
- Rivera v. Mueller, 23-cv-3579: close docket number 18.
- Rosado v. Mueller, 23-cv-3718: close docket numbers 44 and 46.
- Van Guilder v. Mueller, 23-cv-3398: close docket numbers 29 and 30.
- Wilkerson v. Hammer, 23-cv-3397: close docket number 33.

The Court acknowledges that motions to dismiss in four of the Tranche I cases include arguments unrelated to the Plaintiffs' compliance with the applicable statute of limitations. As such, the docket entries listed in the cases below shall survive this denial without prejudice, and Plaintiffs shall have until November 29, 2023, to respond to or cross-move to amend their responses to the docket entries listed below.

- Jacks v. Mueller, 23-cv-3288: docket number 37.
- Ortiz v. Dinello, 23-cv-3547: docket numbers 41 and 54.

- Locenitt v. Dinello, 23-cv-3399: docket number 66.
- Wilkerson v. Hammer, 23-cv-3397: docket numbers 41 and 53.

SO ORDERED.

Dated: November 21, 2023
New York, New York

A handwritten signature in black ink, reading "Loretta A. Preska". The signature is written in a cursive, flowing style. The first name "Loretta" is written in a larger, more prominent script, followed by "A." and "Preska". The signature is positioned above a horizontal line.

LORETTA A. PRESKA
Senior United States District Judge